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## AMERICAN DIPLOMACY IN CENTRAL AMERICA

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International affairs have rarely had any vital relation to the domestic interests of the United States. We are spectators rather than participants in the game of world politics. Except in moments of threatened war, the general public is quite indifferent to the management of American foreign relations. The main results of this indifference are either that the Administration is entirely free to adopt any policy it may choose, without the constant, corrective check of an intelligent public opinion, as in England, or is deprived of its effective support in some such diplomatic crisis as the Anglo-Venezuelan difficulty in 1896.<sup>1</sup>

Moreover, at such moments as the recent Mexican imbroglio, complete and trustworthy information is most difficult to obtain. Certainly, the Department of State is not free to disclose, even to the Senate, all the facts and factors in the negotiations in progress. Nor does it seem prudent to publish immediately all of the correspondence.<sup>2</sup> The most important facts of diplomacy are not always consigned to writing, or if in writing, are not to be published to embarrass for reasons of state or by way of doubtful precedent. *Litera scripta manet.*

Nor can the average reader rely implicitly on the Press. Leading articles, terse paragraphs and brilliant editorials may present in broad outline the salient facts in a diplomatic situation but err in their conclusions. Favorable comment is as likely to be indiscriminating as hostile criticism. Any one who has made a close study of some particular field of diplomacy is constantly made aware of the extreme

<sup>1</sup> This fact is noted by Richard Olney in an article entitled, "International isolation of the United States" in the *Atlantic Monthly*. Vol. LXXXI, p. 577.

<sup>2</sup> The published volumes of Foreign Relations are quite as likely to mislead as to inform. Witness the Clayton-Bulwer correspondence where asterisks indicate important facts omitted and chance phrases give a partial idea as to the nature of those facts.

exactions made by the Press on the powers of discrimination of the average reader.<sup>3</sup>

Now these two facts, namely: the general indifference of the American public regarding the conduct of foreign affairs, and the great difficulty of keeping constantly and accurately informed concerning diplomatic questions, are especially to be deplored in respect to our relations with Central and South America. The United States, under the Monroe Doctrine, has a peculiarly difficult rôle to play. Its responsibilities are tremendous and at times most embarrassing. In this particular field of American interests, it might fairly be expected the general public would be somewhat concerned. Yet how little the public really knows on this subject and how little it apparently cares!

The sources of information regarding Central America are limited and often unreliable.<sup>4</sup> Snapshot pictures by casual travellers or the impressions of prejudiced residents in these countries are of slight value. The same is true of the many excellent publications issued in the interests of these Republics. Writers of articles and books seem often to have been misled in important respects by such external evidence as constitutions, legislation, existing institutions, literature, etc. One who has never visited Central America or resided there can hardly form from afar an adequate conception of the existing situation,—a bitter fact which the American diplomatic representative and consul have to bear in mind in the sending of every despatch to Washington.

Conditions in these Republics are indeed abnormal, and the purpose of this paper in its restricted limits is merely to attempt to suggest something of the difficulties of American diplomacy in Central America, with an indication of the nature and trend of American policy.

The five states of Central America, reaching from Mexico to Panama, form a territory slightly larger than California or one-fourth the area

\* Because of our isolation and complete detachment from "world-politics" and the intrigues of Europe, we have not yet developed a corps of editors and correspondents trained in diplomatic affairs such as have made famous the *London Times* and the *Spectator*.

\* Most books on Central America are rather travellers' notes than close studies of actual political conditions. The delightful books by E. G. Squier and John L. Stevens, both formerly in the diplomatic service, are unfortunately out of date. Doctor Karl Sapper, the German scientist, has written two good books entitled "Mittelamerikanische Reisen" and "Das Nördliche Mittel-Amerika." Perhaps the most suggestive recent book is "Central America and its Problems" by Frederick Palmer, the journalist, whose analysis of existing conditions and estimate of American diplomacy show keen powers of observation and insight.

of Mexico, with a total population of less than four millions, and a combined revenue of approximately \$15,000,000.

The form of government in each state is republican with power highly centralized. Though the usual separation of powers is prescribed by their constitutions, as a rule the supreme authority is the executive. The initiative in most matters does not come from the people. Everything springs from the government. Self-government as understood in the United States is a conception dimly apprehended in Central America.<sup>5</sup>

The people of all five states, without serious variation, are essentially one in blood, language, customs, sentiment and religion.<sup>6</sup> Citizenship in one state gives the right to claim citizenship in any of the others. In fact, their constitutions explicitly affirm that each state is to be regarded as temporarily withdrawn from the Central American Federation which it is expected may some day be restored.<sup>7</sup>

From the American point of view, we must be prepared to recognize that there exists,—if not a live antagonism,—certainly, a wide gulf, between the Spanish American and the Anglo-Saxon. Their ways are not our ways and our ways are not theirs. Our direct methods of thought and action, to them are often intolerably inconsiderate and rude. Possessed of great charm of manner and brilliant powers of mind, their indirect processes of reasoning and elaborate formalism, however, make extreme demands on our patience. Their political habits, their attitude towards law and the courts, are almost the reverse of our own.<sup>8</sup> Their literary and social enjoyments are very

<sup>5</sup> Political principles play but little part in elections. The system of "personalism," or "caudillaje,"—of devotion to personal leaders rather than to principles,—has been the curse of Central American politics.

<sup>6</sup> In certain states the Indians predominate overwhelmingly, but the ruling class is an oligarchy of mixed blood—the "ladino." The pure Spanish element is very small except in Costa Rica where the Indians were never numerous. The Statesman's Year Book gives the population as follows:

Costa Rica, total, 351,176; Aborigines, 6,289. Nicaragua, total, 600,000; bulk of population is Indian, mulatto or of mixed blood. Honduras, total, 500,000; bulk of population is Indian and mixed blood. There are 90,000 uncivilized Indians. Salvador, total, 1,116,253; Ladino, 772,000; Indian, 234,648 (an obvious error). Guatemala, total, 1,882,992; 60 per cent. are Indian.

<sup>7</sup> The original Federation formed at the time of the separation from Spain, lasted nominally until 1839. The separate provinces had long enjoyed practical autonomy under Spanish rule and had no real sentiment of political solidarity.

<sup>8</sup> The Spanish-American mind seems unable to respect law in the abstract. With him, power, authority, is law. He regards the judicial code as a mass of conflicting

distinct and their general sympathies are much more closely related to Europe than to the United States. Such being the case, it would seem on the whole preferable to frankly admit at the outset, that while the two races may heartily respect each other, it is too much to expect that they should ever be intimate friends having common interests and sympathies.

Historically, the Spanish-Americans have cherished in their hearts a marked aversion for the Yankee. The taking of California from Mexico, the occupation of Porto Rico, the protectorate over Cuba, the receivership in Santo Domingo, the coup d'état in Panama, are all held to be palpable evidence of a lust for territory and warnings of the ultimate fate awaiting other countries on this continent. Every intervention of the United States, while approved by the faction immediately favored, is viewed with apprehension by all other Spanish-Americans.

The name of Walker,—the irresponsible filibuster,—is still synonymous with American aggression.<sup>9</sup> In San José, the capital of Costa Rica, is an impressive statue representing the cowed, abhorred Yankee being driven from the soil of Central America. The appellation of "gringo,"<sup>10</sup> whatever may have been its origin, certainly has as offensive a signification as that of "greaser" for the Mexican.

Diplomacy, by rigidly square dealing and by encouraging a friendly appreciation of all that is admirable in both races, is able to do much to lessen this natural antipathy. But the best efforts of diplomacy are not always well seconded by Americans in these countries who forget that they also are United States representatives. There are many Americans in Central America, who by friendly sympathy and tact, are able to maintain the most satisfactory relations with the people and governments with whom they may have to deal. There are however, other Americans who, forgetting that they are in a sense, guests of the country where they reside, abuse its inhabitants, revile its insti-

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rules which may be interpreted according to the whim or prejudices of the judge. The contrast between the Latin and English systems of jurisprudence is well brought out by W. S. Logan in the *Forum*, Vol. XXVI. "The basic difference between the two systems of jurisprudence is that the one accords privileges, while the other protects rights."

<sup>9</sup> "Byways of War, The Story of the Filibusters," by James Jeffrey Roche.

<sup>10</sup> "Gringo" is said to have had its origin during the Mexican War, from the first two words of a popular song "Green grow the Rushes," sung by the American soldiers and imperfectly caught by their enemies, the Mexicans.

tutions, unnecessarily antagonize the government officials, formulate complaints,<sup>11</sup> present claims<sup>12</sup> of doubtful merit, and call upon the Legation to launch ultimatums at frequent intervals. There are the "caballeros de industria,"—the picturesque though erring soldiers of fortune. There are the social derelicts who have left home for their country's good. There are the concession hunters and the professional promoters, seeking impossible privileges they never can utilize and piling up embarrassments for their own government as well as for the misguided government, which through illusion or devious means may have been induced to compromise national interests.<sup>13</sup>

All such make the work of the American diplomatic representative extremely onerous and ungrateful. If he is what is popularly termed a "sidestepper," in trying to avoid unpleasant diplomatic issues with the local government and at the same time satisfy his aggrieved compatriots, not to mention his own government, he usually falls between the two stools. If, on the other hand, he is normally conscientious, he finds he must either incur the hatred of the complainants who may be able to cause him serious annoyance, or he must in cases deserving diplomatic action, make unpleasant representations without the certainty of receiving the approval and support of Washington. By reason of his special knowledge of the facts in a given case, he may be placed in the disagreeable situation of having to offend powerful interests by recommending that some claim which has been cleverly presented to the Department of State, should not be pressed because founded on unjust grounds. He is likewise in constant danger from that spectre which haunts every diplomat, of being denounced as *persona non grata* by the government he may be insistently endeavoring to induce to do what it has no desire and perhaps no intention to perform. Representations adroitly made at Washington frequently

<sup>11</sup> The archives of every Legation are full of complaints made under oath in the form of affidavits, which as ex-parte statements of alleged facts, seem to call for diplomatic action. But on careful, dispassionate investigation, it is often discovered that the complainant has been in the wrong and entitled to little sympathy. One alleged victim of official outrage admitted that at the time of the incident, namely 7 a. m., he had had two cocktails! Yet such instances are often adduced to show that Americans in Central America do not receive adequate protection.

<sup>12</sup> Some men seem to act on the principle that "a good claim is better than a bad business."

<sup>13</sup> The writer regrets that most of the observations made in this paper rest on personal experience rather than on documentary evidence. Very little of this nature is ever published in the Foreign Diplomatic Correspondence of the United States.

result either in the impairment of his prestige and usefulness, or ultimately in his complete discomfiture and removal.<sup>14</sup>

The functions of an American representative under such conditions, it will be seen, call for an extraordinary degree of tact, patience and courage.<sup>15</sup> He is dealing with situations for which no exact precedents in international law may be found. He cannot ask Washington for detailed instructions, nor can Washington instruct intelligently at every juncture. He must not only protect American interests from all possible violation, but often, if he has gained the confidence of the government to which he is accredited, he is called upon to advise, to caution, to warn, in order to save that government from a serious misstep, even in cases involving his own countrymen. He is court of appeal when the local courts fail grossly to accord justice. He must virtually ignore existing laws, at times, by requesting the executive to rectify wrongs done by an abuse of its powers through the courts. In time of war, when ordinary guarantees are suspended, he must take extraordinary measures for the protection of all interests. He may find himself, as did the writer, at a moment of the complete disappearance of all authority, in the embarrassing situation of being compelled to maintain law and order pending the establishment of the new government.<sup>16</sup> He may be threatened with assassination or even fired upon by irresponsible miscreants. On his request, American warships may be required to prevent the needless bombardment of unfortified ports and even to land marines to maintain public order and ensure the administration of justice, for an extended period of time until the responsible government is installed.

For the theorist and strict constructionist in international law, it may be difficult to perceive just how an American official may assume the right to act in ways so obviously inconsistent with the law of

<sup>14</sup> It must be remembered that the American official has not only the strain of responsibility, but that he is often living in tropical surroundings that undermine both health and nerves. Climate plays a most important part in Central American diplomacy as it does in other tropical countries. Allowance should ever be made for the over-heated state of mind that is liable to characterize certain diplomatic negotiations. In fact, following the British custom in India, no American official should be kept too long in a tropical post.

<sup>15</sup> A curious extra-official function of American representatives in Central America which is often most exacting, is the protection of the interests of the Chinese who are quite numerous. This is by request of the Chinese government and with the consent of these Republics. See *Foreign Relations*. 1903, p. 572.

<sup>16</sup> *Foreign Relations*, 1907, p. 627.

nations. The independence, equality, sovereignty of nations forbid all such interventions in the internal affairs of other nations. The United States, he may well object, has no more right to intervene in a Central American war to prevent the bombardment of a port where no American interests of importance are involved, than it would have to attempt to stop the siege of Port Arthur by the Japanese.

The answer to such objections is: first, that international law as applied in Central and even in South America, is in many respects distinct from that of Europe; and secondly, that the United States has had imposed on it certain definite obligations in Central America.

The isolated, untrammelled existence in this Western Hemisphere, of states enjoying an essential solidarity of sentiments and interests, has given rise to a distinct body of international law.<sup>17</sup> Here exists a separate family of nations recognizing rules and principles of intercourse which, while differing from those generally accepted in Europe, have also profoundly affected European concepts of the law of nations. The development of the doctrine of insurgency<sup>18</sup> has been distinctly American.<sup>19</sup> The status of foreigners during civil commotions has been differently regarded in Spanish-America than in Europe.<sup>20</sup> The important decision of the last Hague Conference respecting the Recovery of Contract Debts, had its origin in the peculiar financial problems of these countries.<sup>21</sup> The most favored-nation treatment generally accorded elsewhere would not ordinarily be claimed by foreign nations where Spanish-American states have granted each other mutual privileges of a family nature.<sup>22</sup>

But we are especially concerned with international law as applied to Central America, whose status is different from that of most of the states of South America. And in all fairness it must be recognized that Costa Rica, by reason of its advanced political development,

<sup>17</sup> This subject has been fully and admirably treated by Señor Alejandro Alvarez of the Chilean Ministry for Foreign Affairs, in the *American Journal of International Law* for April, 1909, and in his book published in 1910, "*Le Droit International Americain*."

<sup>18</sup> Wilson. *International Law*, pp. 43-49.

<sup>19</sup> The term American can hardly be appropriated exclusively by the United States. Spanish-Americans differentiate by denoting citizens of the United States as North-Americans.

<sup>20</sup> The decisions of the Venezuelan Claims Commission, 1903, contain much valuable material on this subject.

<sup>21</sup> The Hague Peace Conferences; A. Pearce Higgins, pp. 180-197.

<sup>22</sup> Moore's *Digest of International Law*. Vol. V., p. 260.



should be placed in a different category from the other states of Central America.<sup>23</sup>

Owing to the arrested political development of certain of these countries: to the absence at times, both in peace and in war, of ordinary guarantees to persons and property: when the avenues to the courts are closed: when the executive has absorbed all powers to the harm of his own countrymen as well as of foreigners; it becomes necessary to deny to such states an unqualified status under international law.<sup>24</sup> All states are not equal. All states are not so completely sovereign as to be free to do as they please with the stranger within their gates. There are situations where a nation may properly exact in behalf of its own nationals, not merely as *good* treatment as that accorded the natives of another, but infinitely better treatment.

The status of minority of certain nations is coming to be generally recognized and this fact should act as an added stimulus to such states to prove themselves worthy of the rights of independence and equality.

Though the republics of Central America are under no specific tutelage and naturally resent being treated as children, they cannot object to being considered as our younger brothers whom we hold in affection and desire earnestly and disinterestedly to help.

The United States has had imposed on it certain definite obligations in Central America. These obligations flow, first from the special concern it must have for the protection of American interests, bearing particularly in mind the proximity of Central America to the United States and to the Panama Canal; secondly, as convincingly pointed out by President Roosevelt at the time of the intervention in Santo Domingo in 1905, from the necessity of seeing that European interests are properly safeguarded nor allowed to suffer from what has been aptly denoted as "the forceful feebleness" of these smaller countries; and thirdly, these obligations flow directly from engagements towards the people of Central America incurred by the United States in recent years.

Since 1906, Central America has been the theatre,—not of opera bouffe, as some superficial observers would have it,—but of two wars,

<sup>23</sup> Costa Rica has not had a revolution for nearly thirty years.

<sup>24</sup> The contradictory rulings of Bayard in the Gamez case (For. Rel. 1885) and of Blaine in the Barrundia case (For. Rel. 1890) regarding the right of asylum on merchant vessels, are to be explained by the fact that Bayard assumed Central American states to be on an equal footing with other nations, while Blaine accorded them only a qualified status as regards the application of the principles of international law.

three successful revolutions and five abortive uprisings, not to mention sundry plots by assassination or otherwise, to overthrow the existing governments. During this turbulent period, the policy of the United States has developed by progressive steps from simple mediation between these republics, to direct intervention in their domestic affairs. We are constantly being reminded that:

“When constabulary duty’s to be done,  
The policeman’s life is not a happy one.”

The chief events to be noted in this connection are as follows:

The brief war of 1906 between Guatemala on the one hand, and Salvador and Honduras on the other, was terminated by a treaty of peace signed through the mediation of President Roosevelt and President Diaz, on board the gunboat *Marblehead*.<sup>25</sup> This treaty provided that all future differences between Central American states should be settled by the joint arbitration of the Presidents of the United States and of Mexico. Nicaragua alone refused to adhere to this agreement, which it chose to regard as a dangerous recognition of the right of intervention by the United States.

In February and March of 1907, occurred the war between Nicaragua and Honduras which threatened to embroil all the other republics, and which demonstrated the need of more effective guarantees for the maintenance of peace. On the initiative of President Roosevelt, a special peace conference of delegates from all five states was held in Washington in November and December of 1907. Its chief results were the creation of the much lauded though impotent Central American Court of Justice, and the agreement to consider Honduras, by reason of its geographical location, as neutral territory in time of war.<sup>26</sup>

It was not long before the United States came to realize that such agreements were of no value without the sanction of force. This duty of enforcement seemed to devolve on the United States with

<sup>25</sup> For. Rel. 1906, p. 851. This treaty was signed on the high seas in rather rough weather, which circumstance led some rabid critics of the United States to seriously intimate that the peace delegates had been deliberately carried out to sea to coerce them into the signing of a treaty they would not have signed on land. It is probably true that their respective governments would very likely have preferred to have been able to control by telegraph, their discussions and decisions.

<sup>26</sup> For. Rel. 1907, pp. 636-727.

the nominal co-operation of Mexico,<sup>27</sup> both governments having participated actively in the peace conference of 1907 and thus become sponsors for the execution of its solemn engagements.

Thus in March, 1909, American naval vessels in Central American waters were authorized to prevent any further violation of the Washington Conventions of 1907, by Nicaragua, in launching filibustering expeditions against the neighboring state of Salvador.

The revolution on the Atlantic coast of Nicaragua in October of 1909, and the unjustifiable execution of the two Americans, Cannon and Groce, compelled the United States to intervene again in Central American affairs, in such a manner as to force President Zelaya to resign and enable the revolutionists ultimately to triumph. A further development in American policy was the agreement entered into at that time that the United States should assist Nicaragua in the rehabilitation of its finances.

The return to Honduras in February 1911, of Ex-President Manuel Bonilla who had been ousted by Nicaragua in 1907, was still another occasion for the direct intervention of the United States. British and American marines were landed and stationed for several weeks at Puerto Cortes and the inland town of San Pedro Sula.<sup>28</sup> Fighting was prohibited in both places and the two rival factions were notified that a peaceful solution of their difficulties must be found. The apparently happy result was the choice of a provisional president agreeable to both factions, and a subsequent free election in which General Bonilla was again chosen to the presidency. As in the case of Nicaragua, the American government signified its desire to lend its good offices in support of certain measures for the refunding of the national debt of Honduras.<sup>29</sup>

<sup>27</sup> The question of Mexican relations towards Central America is important as well as delicate. By reason of its frontier with Guatemala, Mexico has peculiar interests which cannot be ignored. The attitude of Mexico as expressed by President Madero in a recent message to the Mexican Congress is as follows. "My belief is that a Central American union, alone means the establishment of permanent peace in these countries." *Boston Transcript*, Dec. 18, 1911.

<sup>28</sup> In view of the long and arduous efforts of American diplomacy, from the time of the Clayton-Bulwer treaty, to eliminate British interference in Central-American affairs, it is difficult to understand the reason for the joint action of England and the United States in this instance as well as the action of England in the previous revolution in Nicaragua, in preventing the capture of Greytown by the revolutionists.

<sup>29</sup> The texts of the conventions negotiated with both Nicaragua and Honduras for the adjustment of financial difficulties, are given in Supplement of A. J. I. L. October, 1911.

From this rapid survey two important facts are to be emphasized: first, that the policy of the United States towards the republics of Central America has developed since 1906 from simple mediation and scrupulous non-intervention, to a policy of active, direct intervention in their internal affairs; and secondly, that these interventions have become as startlingly frequent as they have become increasingly embarrassing in character.

The dangerous trend of such a policy towards an actual intermeddling in the administration of these countries, would seem fairly obvious. Such a result, from every point of view, whether of the United States, of the state immediately affected, or of other Spanish-American states, would be as lamentable as it would appear unnecessary.

The obligation of non-intervention by one nation in the internal affairs of another, is a sacred principle of the law of nations and is correlative with the right of independence.<sup>30</sup>

While intervention in Central American affairs has seemed at times, like military necessity, "immediate and admitting of no other choice of means," the main object of American policy should be to remove the causes for such interventions. A general remedy is required, rather than palliative treatment locally applied. Such a remedy, namely, the restoration of the union of the five states, is at hand ready for use, if the United States is prepared to assist in its application.

Webster, in 1851, soundly observed: "How little is the probability that Central America . . . can ever attain her proper dignity and proper destiny while divided into so many small states."<sup>31</sup> And Blaine, with his sympathetic appreciation of Spanish-American problems, said in 1881 that, ". . . the United States is ready to avow that no subject appeals more strongly to its sympathy, nor more decidedly to its judgment. Nor is this new policy. For many years this government has urged upon the Central American states the importance of such a union to the creation of a well ordered and constitutionally governed republic. . . ." <sup>32</sup>

The attainment of this end has been prevented mainly by selfish interests, petty dissensions and mutual distrust.<sup>33</sup> It is the main

<sup>30</sup> Wilson and Tucker, *International Law*; p. 87.

<sup>31</sup> Senate Doc. No. 25. 34th Congress, 1st Session.

<sup>32</sup> For. Rel. 1881, p. 816.

<sup>33</sup> See For. Rel. 1907, pp. 721-727, for arguments presented by certain delegates at the Washington Conference of 1907, in favor of the union as the only thorough solution of the Central American problem. An enthusiastic convention of journalists from the five republics, held recently in Salvador, adopted resolutions in favor of the union.

plank in the political creed of every patriotic Central American. They are only awaiting the effective initiative of the United States in order to make this ideal a reality.

American diplomacy has had a thorny road to travel in Central America and has been painfully barren of beneficial results. It is not conceivable that thinking men in this country should remain indifferent to the solution of so great a problem. The Administration at Washington, which, by the exercise of the loftiest constructive statesmanship, is prepared to aid the people of Central America to attain their noblest ideal, will build for itself a lasting monument in the hearts of all Spanish-Americans. The United States will be freed from the embarrassments and perils of irksome interventions as well as from unjust imputations of serving unworthy ends. It will be able to demonstrate irrefutably that the Monroe doctrine does not serve to perpetuate bad government; but that its beneficent effect is to enable the people of this Western Hemisphere to emerge from chaotic political conditions, and to achieve, unhindered, their highest aspirations and destinies.<sup>34</sup>

<sup>34</sup>Students of conditions in Central America may well be inclined to recognize some force in the theory advanced by Benjamin Kidd, namely: “. . . that the European races will gradually come to realize that the tropics must be administered from the temperate zone.” (“The Control of the Tropics,” p. 85.) But the United States cannot act on any other assumption than that all of the republics of Central America are as capable of self-government as Costa Rica has proved itself to be.